

Chapter 1

Division of Forestry, Fire, and State Lands

65A-1-1 Definitions.

As used in this title:

- (1) "Division" means the Division of Forestry, Fire, and State Lands.
- (2) "Initial attack" means action taken by the first resource to arrive at a wildland fire incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or aggressive suppression action.
- (3) "Multiple use" means the management of various surface and subsurface resources in a manner that will best meet the present and future needs of the people of this state.
- (4) "Municipality" means a city, town, or metro township.
- (5) "Public trust assets" means those lands and resources, including sovereign lands, administered by the division.
- (6) "Sovereign lands" means those lands lying below the ordinary high water mark of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty.
- (7) "State lands" means all lands administered by the division.
- (8) "Sustained yield" means the achievement and maintenance of high level annual or periodic output of the various renewable resources of land without impairment of the productivity of the land.
- (9) "Wildland" means an area where:
 - (a) development is essentially non-existent, except for roads, railroads, powerlines, or similar transportation facilities; and
 - (b) structures, if any, are widely scattered.
- (10) "Wildland fire" means a fire that consumes:
 - (a) wildland; or
 - (b) wildland-urban interface, as defined in Section 65A-8a-102.

Amended by Chapter 174, 2016 General Session

65A-1-4 Division of Forestry, Fire, and State Lands -- Creation -- Power and authority.

- (1)
 - (a) The Division of Forestry, Fire, and State Lands is created within the Department of Natural Resources under the administration and general supervision of the executive director of the department.
 - (b) The division is the executive authority for the management of sovereign lands, and the state's mineral estates on lands other than school and institutional trust lands, and shall provide for forestry and fire control activities as required in Section 65A-8-101.
- (2) The division shall adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to fulfill the purposes of this title.
- (3) The director of the Division of Forestry, Fire, and State Lands is the executive and administrative head of the division and shall be a person experienced in administration and management of natural resources.
- (4)
 - (a) An aggrieved party to a final action by the director may appeal that action to the executive director of the Department of Natural Resources within 20 days after the action.

- (b) The executive director shall rule on the director's action within 20 days after receipt of the appeal.

Amended by Chapter 413, 2013 General Session

65A-1-5 Attorney general -- Role in affairs of the council and division.

- (1)
 - (a) The attorney general shall represent the division in any legal action relating to state lands and, upon request by the director, may institute action to enforce the provisions of this title.
 - (b) Whenever an action is brought contesting a decision or act of the division, the division may be named a party in the case rather than the individuals that comprise the division.
- (2) All leases, contracts, and agreements entered into by the division shall be approved as to form by the attorney general prior to execution.
- (3)
 - (a) All suits for the collection of rental and damages shall be instituted by the attorney general, upon request by the director, in the name of the state.
 - (b) The attorney general, upon request by the director, shall prosecute actions for suppression costs or other damage caused by fires on state lands.

Amended by Chapter 294, 1994 General Session

65A-1-6 Witnesses -- Subpoena and oaths.

- (1) The director may issue subpoenas to compel the attendance of witnesses and the production of documents in adjudicative proceedings authorized by law.
- (2) The director may administer oaths in the performance of the council's or division's official duties.

Amended by Chapter 294, 1994 General Session

65A-1-8 Council members and division employees -- Prohibited from acquiring an interest in state lands.

Division employees may not directly or indirectly acquire any interest in state lands.

Amended by Chapter 294, 1994 General Session

65A-1-9 Application of Public Officers' and Employees' Ethics Act.

Employees and agents of the division are subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

Amended by Chapter 413, 2013 General Session

65A-1-10 Proprietary geologic or financial information -- Confidentiality -- Division to adopt rules.

- (1) The division may keep geologic and financial information, which the provider and the division agree is of a proprietary nature, confidential unless the information is required by federal or state law to be of a nonproprietary nature.
- (2) The division shall adopt rules to determine when to accept confidential information.

Amended by Chapter 294, 1994 General Session

65A-1-11 Division's authority to examine records and inspect premises.

- (1) For the purpose of determining compliance with any rule or any performance or payment obligation under a lease, permit, or contract, the division may, at reasonable times, places, and intervals:
 - (a) require that the lessee, permittee, or contractor provide any pertinent books, records, or other documents of the lessee, permittee, or contractor; or
 - (b) inspect the property acquired, used, or developed under the lease, permit, or contract after reasonable notice or as provided in the lease, permit, or contract.
- (2) Nothing in the section shall be construed to limit or invalidate audits conducted by the division prior to the effective date of this act.

Enacted by Chapter 325, 1990 General Session

65A-1-12 Filing date of applications and bids.

Any application or bid required for the lease, permitting, or sale of state lands in a competitive process shall be considered filed or made on the date received by the appropriate division office, whether transmitted by the United States mail or in any other manner.

Enacted by Chapter 283, 1991 General Session